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Docket # PF-0695-2 CON

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By: Nancy Ramos

Printed: Nancy Ramos

J1046 U.S. PTO
09/938803
08/24/01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)**

Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

Dear Sir:

This is a request for filing a **CONTINUATION** application under 37 CFR 1.53(b) of pending prior application Serial No.09/311,894, filed on May 14, 1999, entitled FULL-LENGTH EXPRESSED GENETIC MARKERS.

1. X Enclosed is a specification corresponding to the prior application, U. S. Application Serial No.09/311,894 filed May 14, 1999, including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.
2. X With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant continuation application is identical with the computer readable form filed with Serial No. 09/311,894, filed May 14, 1999, to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed with U.S. Application Serial No. 09/311,894 as the computer readable form for the instant continuation application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant continuation application.
3. X Cancel in this application original claims 17, 19-20, 22-23, 25 and 28-49 before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention

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disclosed herein which is not set forth in the instantly filed claims.

4. X The inventor(s) of the invention being claimed in this application is (are): Henry Yue; Y. Tom Tang; Preeti Lal; Roopa Reddy; Mariah R. Baughn; Junming Yang; Yalda Azimzai.
5. X In accordance with 37 CFR 1.63(d) a copy of the originally signed declaration showing applicants' signatures as filed on August 12, 1999 is enclosed.
6. Amend the specification by inserting after the title: "This application is a continuation application of U.S. application serial number 09/311,894, filed May 14, 1999, all of which applications and patents are hereby incorporated herein by reference."
7. X The filing fee is calculated below:

Claims	Number Filed	Minus	Number Extra	Other Than Small Entity		Basic Fee
				Rate	Fee	\$710.00
Total Claims	21	-20	1	x \$18	\$18	\$18.00
Indep. Claims	2	-3	1	x \$80	0	\$0
<u> </u> Multiple Dependent Claim(s), if any				+ \$270		\$18.00

TOTAL FILING FEE \$ 728.00

8. An extension of time in the above-named prior application has been requested and the fees therefore have been authorized in said application.

9. X Please charge Deposit Account No. 09-0108 in the amount of \$ 728.00.

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 09-0108. A **duplicate** copy of this Request is enclosed.

10. New formal drawings are enclosed.
11. X The prior application is assigned of record to Incyte Pharmaceuticals, Inc., recorded on August 12, 1999, at reel 010160/frame 0534.
12. A preliminary amendment is enclosed.
13. X Also enclosed is an Information Disclosure Statement and Form PTO-1449 (5 pp.).
14. X The power of attorney of the prior application is to:

Adam Warwick Bell
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Michael C. Cerrone

Reg. No. 43,490
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Reg. No. 43,847
Reg. No. 44,316
Reg. No. 43,168
Reg. No. 45,167
Reg. No. 41,420

___ The associate power of attorney in the prior application is to:

- a. X A Certificate Under 37 CFR §3.73(b), Revocation of Power of Attorney and Appointment of New Attorneys is attached.
- b. ___ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. X Address all future correspondence to:

INCYTE GENOMICS, INC.
PATENT DEPARTMENT
3160 Porter Drive
Palo Alto, California 94304
Phone: (650) 855-0555, Fax: (650) 845-4166

Date: August 29, 2001 By: David G. Streeter

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___ Inventor(s)

___ Assignee of complete interest

X Attorney or agent of record

___ Filed under 37 CFR 1.34(a)

Registration number if acting under 37 CFR 1.34(a) _____.